United Nations Convention on the Law of the Sea SPLOS/197

Meeting of States Parties

Distr.: General
22 June 2009

Original: English

Nineteenth Meeting
New York, 22-26 June 2009

Agenda

1. Opening of the nineteenth Meeting by the President of the eighteenth Meeting.
2. Minute of silent prayer or meditation.
3. Election of the President.
4. Adoption of the agenda.
5. Election of the Vice-Presidents.
6. Appointment of the Credentials Committee.
7. Organization of work.
8. Report of the International Tribunal for the Law of the Sea to the Meeting of States Parties for 2008 (SPLOS/191).
9. Information reported by the Secretary-General of the International Seabed Authority.
10. Commission on the Limits of the Continental Shelf:
    (a) Information reported by the Chairman of the Commission;
    (b) Workload of the Commission.
11. Report of the external auditor for the financial period 2007-2008, with financial statements of the International Tribunal for the Law of the Sea as at 31 December 2008 (SPLOS/192).
12. Consideration of budgetary matters of the International Tribunal for the Law of the Sea:
    (a) Report on budgetary matters for the financial period 2007-2008 (SPLOS/193);
    (b) Adjustment of the remuneration of members of the International Tribunal for the Law of the Sea (SPLOS/194).
13. Report of the Credentials Committee.
14. The allocation of seats on the Commission and the Tribunal.

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15. Report of the Secretary-General under article 319 for the information of States parties on issues of a general nature, relevant to States parties, that have arisen with respect to the United Nations Convention on the Law of the Sea.

16. Other matters.

United Nations Convention on the Law of the Sea SPLOS/198

Meeting of States Parties

Distr.: General
24 June 2009

Original: English

Nineteenth Meeting
New York, 22-26 June 2009

Credentials of representatives to the nineteenth Meeting of States Parties to the United Nations Convention on the Law of the Sea

Report of the Credentials Committee

Chairperson: Ms. Ceta **Noland** (Netherlands)

1. On 22 June 2009, the nineteenth Meeting of States Parties to the United Nations Convention on the Law of the Sea appointed, pursuant to rule 14 of the Rules of Procedure for Meetings of States Parties (SPLOS/2/Rev.4), a Credentials Committee consisting of the following nine States parties: Angola, Argentina, Brazil, Finland, Indonesia, Kenya, Malaysia, Netherlands and Poland.

2. The Committee held its meeting on 24 June 2009.

3. Ms. Ceta Noland (Netherlands) was elected Chairperson by acclamation.

4. The Committee had before it a memorandum by the Secretariat, dated 23 June 2009, on the status of credentials of representatives participating in the nineteenth Meeting of States Parties to the United Nations Convention on the Law of the Sea. The Secretary of the Committee made a statement supplementing the memorandum regarding the inclusion of those credentials and communications received subsequent to the preparation of the memorandum.

5. As noted in paragraph 1 of the memorandum, as orally supplemented by the Secretary during the meeting, formal credentials issued by the Head of State or Government or by the Minister for Foreign Affairs or by a person authorized by either of them had been received by the Secretariat for the representatives of the following 87 States participating in the nineteenth Meeting of States Parties: Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Bolivia (Plurinational State of), Brunei Darussalam, Bulgaria, Canada, Chile, China, Cuba, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Germany, Ghana, Greece, Guatemala, Haiti, Hungary, Iceland, India, Indonesia, Ireland, Italy, Japan, Kuwait, Lao People's Democratic Republic, Latvia, Lithuania, Madagascar, Malaysia, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro,

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Morocco, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Seychelles, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tonga, Trinidad and Tobago, Tunisia, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Vanuatu, Viet Nam and Yemen.

6. As noted in paragraph 1 of the memorandum, credentials issued by the President of the European Commission had also been submitted for the representatives of the European Community.

7. As noted in paragraph 2 of the memorandum, as orally supplemented during the meeting, information concerning the appointment of representatives participating in the nineteenth Meeting of States Parties had been communicated by means of facsimile or in the form of letters or notes verbales from ministries, embassies, permanent missions to the United Nations or other Government offices or authorities, or through local United Nations offices, by the following 40 States participating in the nineteenth Meeting: Benin, Bosnia and Herzegovina, Brazil, Burkina Faso, Cameroon, Cape Verde, Costa Rica, Côte d'Ivoire, Croatia, Democratic Republic of the Congo, Egypt, Equatorial Guinea, Gabon, Georgia, Guinea, Iraq, Jamaica, Kenya, Luxembourg, Maldives, Mauritania, Mongolia, Mozambique, Myanmar, Nicaragua, Oman, Palau, Philippines, Poland, Qatar, Republic of Moldova, Saint Lucia, Samoa, Somalia, Togo, Tuvalu, Ukraine, Uruguay, Zambia and Zimbabwe.

8. The Chairperson proposed that the Committee accept the credentials of all the representatives mentioned in the memorandum by the Secretariat, supplemented by the additional information provided by the Secretary during the meeting of the Committee, on the understanding that formal credentials of the representatives referred to in paragraph 2 of the Secretariat's memorandum, as orally supplemented, would be communicated to the Secretariat as soon as possible. The following draft resolution was proposed by the Chairperson for adoption by the Committee:

> *The Credentials Committee*,
>
> *Having examined* the credentials of the representatives to the nineteenth Meeting of States Parties to the United Nations Convention on the Law of the Sea referred to in paragraphs 1 and 2 of the memorandum by the Secretariat dated 23 June 2009, supplemented by the additional information provided by the Secretariat during the meeting of the Credentials Committee,
>
> *Accepts* the credentials of the representatives concerned.

9. The draft resolution was adopted by the Committee without a vote.

10. Subsequently, the Chairperson proposed that the Committee recommend to the nineteenth Meeting of States Parties the adoption of a draft resolution (see para. 12 below). The proposal was adopted without a vote.

11. In the light of the foregoing, the present report is submitted to the nineteenth Meeting of States Parties to the United Nations Convention on the Law of the Sea.

Recommendation of the Credentials Committee

12. The Credentials Committee recommends to the nineteenth Meeting of States Parties the adoption of the following draft resolution:

Credentials of representatives to the nineteenth Meeting of States Parties to the United Nations Convention on the Law of the Sea

The Meeting of States Parties to the United Nations Convention on the Law of the Sea,

Approves the report of the Credentials Committee.

Meeting of States Parties

Distr.: General
25 June 2009
English
Original: Spanish

Nineteenth Meeting
New York, 22-26 June 2009

Letter dated 25 June 2009 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

I have the honour to refer to the documents circulated by the Secretariat for the nineteenth Meeting of States Parties to the United Nations Convention on the Law of the Sea. With regard to document SPLOS/INF/22, Argentina notes that in paragraph 4, the only reference in inverted commas relates to a submission to the Commission on the Limits of the Continental Shelf by the United Kingdom of Great Britain and Northern Ireland concerning the Malvinas Islands, South Georgia and the South Sandwich Islands. However, the document gives no indication of the origin of the text it mentions.

In that regard, the Argentine Republic requests that the principle set forth in editorial directive ST/CS/SER.A/42 should be applied, in accordance with which, when reference is made to those archipelagos, both names should be used in all official United Nations languages, as stated in the aforementioned directive, which further requires that acknowledgement should be made in a footnote of the existence of a dispute between Argentina and the United Kingdom concerning sovereignty over those archipelagos.

Furthermore, with respect to the Spanish text of document SPLOS/INF/22, it should be noted that the provisions of the above-mentioned editorial directive have not been correctly applied, given that the dual nomenclature is inverted, and there is no footnote acknowledging the existence of a dispute over sovereignty.

With regard to the submission by the United Kingdom to which it must be assumed that the phrase in inverted commas in paragraph 4 of document SPLOS/INF/22 refers, the Argentine Republic draws attention to the note that it sent on 28 May 2009 to the Embassy of the United Kingdom of Great Britain and Northern Ireland in Buenos Aires. Argentina requested the circulation of that note as a document of the General Assembly under agenda item 23, Question of the Falkland Islands (Malvinas) (see A/63/890).

Argentina reasserts its legitimate right of sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas.

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The Government of Argentina would be grateful if the Secretary-General would have this letter circulated as a document submitted to the nineteenth Meeting of States Parties to the United Nations Convention on the Law of the Sea.

(*Signed*) Jorge **Argüello**
Ambassador
Permanent Representative

United Nations Convention on the Law of the Sea SPLOS/199*

Meeting of States Parties

Distr.: General
6 July 2009

Original: Spanish

Nineteenth Meeting
New York, 22-26 June 2009

Letter dated 25 June 2009 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

I have the honour to refer to the documents circulated by the Secretariat for the nineteenth Meeting of States Parties to the United Nations Convention on the Law of the Sea. With regard to document SPLOS/INF/22, Argentina notes that in paragraph 4, the only reference in inverted commas relates to a submission to the Commission on the Limits of the Continental Shelf by the United Kingdom of Great Britain and Northern Ireland concerning the Malvinas Islands, South Georgia and the South Sandwich Islands. However, the document gives no indication of the origin of the text it mentions.

In that regard, the Argentine Republic requests that the principle set forth in editorial directive ST/CS/SER.A/42 should be applied, in accordance with which, when reference is made to those archipelagos, both names should be used in all official United Nations languages, as stated in the aforementioned directive, which further requires that acknowledgement should be made in a footnote of the existence of a dispute between Argentina and the United Kingdom concerning sovereignty over those archipelagos.

Furthermore, with respect to the Spanish text of document SPLOS/INF/22, it should be noted that the provisions of the above-mentioned editorial directive have not been correctly applied, given that the dual nomenclature is inverted, and there is no footnote acknowledging the existence of a dispute over sovereignty.

With regard to the submission by the United Kingdom to which it must be assumed that the phrase in inverted commas in paragraph 4 of document SPLOS/INF/22 refers, the Argentine Republic draws attention to the note that it sent on 28 May 2009 to the Embassy of the United Kingdom of Great Britain and Northern Ireland in Buenos Aires. Argentina requested the circulation of that note as a document of the General Assembly under agenda item 23, Question of the Malvinas Islands (see A/63/890).

* Reissued for technical reasons.

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Argentina reasserts its legitimate right of sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas.

The Government of Argentina would be grateful if the Secretary-General would have this letter circulated as a document submitted to the nineteenth Meeting of States Parties to the United Nations Convention on the Law of the Sea.

(*Signed*) Jorge **Argüello**
Ambassador
Permanent Representative

United Nations Convention on the Law of the Sea SPLOS/200

Meeting of States Parties

Distr.: General
26 June 2009

Original: English

Nineteenth Meeting
New York, 22-26 June 2009

Decision on adjustment of the remuneration of members of the International Tribunal for the Law of the Sea and their pension

The Meeting of States Parties,

Considering that, in respect of the level of remuneration of the members of the International Tribunal for the Law of the Sea ("the Tribunal"), the fourth Meeting of States Parties decided to maintain equivalence with the remuneration levels of members of the International Court of Justice,

Recalling that the fifteenth Meeting of States Parties, by the decision contained in document SPLOS/132, decided with retroactive effect from 1 June 2005 to increase the salary and pensions of the judges of the Tribunal as an interim measure, pending a decision by the States Parties based on a report by the Registrar, taking into account the report requested by the General Assembly in paragraph 8 of part III of its resolution 59/282 of 13 April 2005,

Considering also that the General Assembly, in its decision 62/547 of 3 April 2008, decided to set, effective 1 April 2008, the annual net base salary of the members of the International Court of Justice at 158,000 United States dollars, with a corresponding post adjustment multiplier equal to 1 per cent of the net base salary, to which would be applied the post adjustment multiplier for the Netherlands, as appropriate, taking into account the adjustment mechanism as proposed by the Secretary-General in paragraph 77 of his report A/62/538,

Considering further that, as provided for in paragraph 77 of the report of the Secretary-General A/62/538, the net base salary for judges of the International Court of Justice was further revised to $161,681 effective 1 January 2009 in line with the consolidation of 2.33 per cent multiplier points in the base salary scale for staff in the Professional and higher categories,

Considering that in paragraph 77 of the Secretary-General's report A/62/538, the Secretary-General proposed that "on the occasion of future revisions to the base scale applicable to staff in the Professional and higher categories that are effected through the consolidation of post adjustment multiplier points into the base scale with a corresponding readjustment in the post adjustment multipliers, the annual base salary of the members of the International Court of Justice ..." also be adjusted by the same percentage and at the same time,

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Considering also that the General Assembly, in its resolution 63/259 of 24 December 2008, endorsed, in respect of the pension for the members of the International Court of Justice, the conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in the Committee's report A/63/570,

1. *Decides* to set, effective 1 July 2009, the annual net base salary of the members of the Tribunal at $161,681, with a corresponding post adjustment multiplier equal to 1 per cent of the net base salary, to which would be applied the post adjustment multiplier for Hamburg, as appropriate, taking into account the adjustment mechanism as proposed by the Secretary-General in paragraph 77 of his report A/62/538;

2. *Also decides*, on the occasion of future revisions to the annual net base salary of members of the International Court of Justice, to consider that the annual base salary of the members of the Tribunal should also be adjusted by the same percentage and at the same time, bearing in mind the need to maintain the equivalence with the remuneration levels of the members of the International Court of Justice;

3. *Authorizes* the Tribunal to use part of the cash surplus from the 2007-2008 budget to finance an additional appropriation required to implement the new salary system for the members of the Tribunal referred to in paragraph 1 above for the period July 2009 to December 2010;

4. *Decides* that the retirement benefit of the members of the International Tribunal shall continue to be based on 50 per cent of the annual salary (excluding post adjustment) as defined in the Pension Scheme Regulations for the members of the Tribunal, or 50 per cent of the annual salary based on the level of remuneration decided by the fifteenth Meeting of States Parties in June 2005, whichever amount is higher, by reference to nine years of service;

5. *Also decides* that a member of the International Tribunal for the Law of the Sea who is re-elected should receive one three-hundredth of his or her retirement benefit for each further month beyond nine years, up to a maximum pension of two thirds of the annual net base salary, excluding post adjustment;

6. *Further decides* that the current pension in payment which has been determined on the basis of the maximum annual remuneration of $170,080 will continue to be based upon this amount;

7. *Requests* the International Tribunal for the Law of the Sea to make the necessary revisions to article 1, paragraph 2, of the Pension Scheme Regulations for members of the International Tribunal for the Law of the Sea;

8. *Requests* the Registrar to report to the Meeting of States Parties on action taken pursuant to the above decisions.

United Nations Convention on the Law of the Sea SPLOS/201

Meeting of States Parties

Distr.: General
26 June 2009

Original: English

Nineteenth Meeting
New York, 22-26 June 2009

Arrangement for the allocation of seats on the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf*

Recalling the importance and past practice of reaching general agreement of all States parties on the allocations of seats,

1. The allocation of seats of the International Tribunal for the Law of the Sea shall be in accordance with the relevant provisions of the Convention, providing that no regional group will have fewer than three seats. From the next election, the Tribunal shall have the following composition:

(a) Five members of the Tribunal shall be from the Group of African States;

(b) Five members of the Tribunal shall be from the Group of Asian States;

(c) Three members of the Tribunal shall be from the Group of Eastern European States;

(d) Four members of the Tribunal shall be from the Group of Latin American and Caribbean States;

(e) Three members of the Tribunal shall be from the Group of Western European and other States;

(f) The remaining one member of the Tribunal shall be elected from among the Group of African States, the Group of Asian States and the Group of Western European and other States;

2. The allocation of seats of the Commission on the Limits of the Continental Shelf shall be in accordance with the relevant provisions of the Convention, providing that no regional group will have fewer than three seats. From the next election, the Commission shall have the following composition:

(a) Five members of the Commission shall be from the Group of African States;

(b) Five members of the Commission shall be from the Group of Asian States;

* Approved by the nineteenth Meeting of States Parties on 26 June 2009.

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(c) Three members of the Commission shall be from the Group of Eastern European States;

(d) Four members of the Commission shall be from the Group of Latin American and Caribbean States;

(e) Three members of the Commission shall be from the Group of Western European and other States;

(f) The remaining one member of the Commission shall be from among the Group of African States, the Group of Asian States, and the Group of Western European and other States;

3. The above arrangements do not prejudice or affect future arrangements for elections.